THE STATE OF TEXAS \* COMMISSIONERS COURT

COUNTY OF KENEDY \* OF KENEDY COUNTY, TEXAS

On the 11th day of September, 2023, at 9:00 o'clock a.m., a regular meeting of the Commissioners Court of Kenedy County, Texas, was held in the Kenedy County Courthouse.

**Commissioners present:**

Charles E. Burns, County Judge

Joe Recio, Commissioner, Precinct No. 1

Sarita Armstrong-Hixon, Commissioner, Precinct No. 3

Jose Salazar, Commissioner, Precinct No. 4

**Also present:**

Veronica Vela, County & District Clerk

Grace Salinas, Administrative Secretary

Cynthia Salinas, County Treasurer

Irma Longoria, County Tax Assessor/Collector

Allison Strauss, County Attorney

Leo Villarreal, Administrative Assistant

Sheriff Ramon Salinas

Sandra Maltby, Maltby Builders, Inc.

Caleb Maltby, Maltby Builders, Inc.

JP Jana Norrell

JP Cecilia Schulz

JP Patricia Fain

Daniel Almeida, Sarita Sewer and Water

Jose E. Mendietta, Fire Chief

Stephanie Garza, Elections Administrator

Tom Denney, Chief Appraiser

Andy Garza, Kenedy County Groundwater Conservation District

Seferino Gutierrez, Maintenance Supervisor

Capt. Edward Cruz

Deputy Gerardo Rosa

Deputy Fidel Gonzales

Sandra Guzman, Sheriff’s Office

John Hubert, District Attorney

Javier Zambrano, Grantworks

Nelda Barrera

James Carr

Melynda Chavez

Llano Cano

Chris Russell

**Absent**:

Israel Vela, Jr., Commissioner, Precinct No. 2

JP Jerry Miller

1. **Call Meeting to Order at 9:00 a.m.**

Judge Charles E. Burns called the meeting to order at 9:00 a.m.

1. **Pledge of Allegiance**.

Judge Charles E. Burns led the Commissioners Court and audience in the Pledge of Allegiance and a moment of silence was held in honor of September 11th.

1. **Receive Public Comments.**

James Carr stated that he used to live in Missouri and moved here eight years ago; that he has had years of firefighting experience; that the Fire District budget needs to be increased; that he is advocating raising of taxes and budget by an Election Tax Rate; that he had looked over the budget and went line by line and that 85% of the budget is being use for expense items other than for firefighting expenses; that the EMS ambulance service is over $400,000 each year. He encourages others to attend the Fire District meeting tonight and help support increasing the budget and tax rate.

1. **Receive District Attorney, John T. Hubert, to Present for Approval the Budget Amendment for FY 2023 and for Adoption for FY 2024 Regarding the Rural Prosecutor’s Office Salary Assistance Grant Program (SB22) to Begin on September 1, 2023 and Approval of the Memorandum of Understanding Between Kleberg and Kenedy Counties, to Begin September 1, 2023, or Interlocal Agreement.**

Judge Charles E. Burns informed the Commissioners Court that John T. Hubert was not yet at the meeting; therefore, he suggested that this agenda item be postponed until John T. Hubert was present.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this agenda item be tabled until John T. Hubert arrived at the meeting.

John T. Hubert, District Attorney, arrived at the Commissioners Court meeting at 10:30 a.m. and presented to the Commissioners Court with the following:

A request for office space either in the Courthouse or the new JP building. Judge Burns stated that he had asked for an office at the Sheriff’s Office and JP Patti Fain stated there was an office available in the new JP building which was intended to be used for security. Cynthia Salinas suggested that the auditor’s office in the Courthouse and Allison Strauss recommended the room on the second floor that is used to meet with Defendants should be considered.

John T. Hubert also requested of the Commissioners Court to approve a budget amendment for FY 2023 and for the adoption of the FY 2024 regarding the Rural Prosecutor’s Office Salary Assistance Grant Program (SB22) to begin September 1, 2023 and to approve the Memorandum of Understanding between Kleberg and Kenedy Counties, to begin September 1, 2023, or an Interlocal Agreement.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Memorandum of Understanding be revised to an Interlocal Agreement between Kleberg County and Kenedy County; and to approve $40,000.00 plus benefits starting October 1, 2023 for a Kenedy County employee working with John T. Hubert on the SB122 grant.

1. **Report on Public Comments Dated September 5th, 2023:**

**Tall Grass, Mosquito Spraying, Maintaining Alley Ways, Hanging Limbs in Streets, Installing a Culvert, Accumulation of Trash, and Water Tanks on South US 77.**

Judge Charles E. Burns stated that he was informing the Commissioners Court regarding James Carr’s public hearing comments made on September 5, 2023, regarding tall grass, mosquito spraying, maintaining alleys, hanging tree limbs into the street, installing a culvert, the need to clean the accumulation of trash and water tanks on South US 77 Highway. Judge Burns stated that the installation of fiber optics was prohibiting mowing of the grass; that mosquito spraying was performed at night, weather permitting; that hanging tree limbs have been addressed and have scheduled the maintenance of the trees to be done along La Parra Street; that a culvert will be installed, if needed; that the Maintenance Department has been doing a great job regarding the removal of the accumulation of trash; and that the water tanks are a work in progress and that further research is need.

This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on the Regular Minutes of August 14th, 2023.**

Judge Charles E. Burns presented the Commissioners Court Minutes of the regular August 14, 2023 minutes.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the minutes of the Minutes of the regular August 14, 2023 meeting be accepted as presented.

1. **Discuss & Act on Treasurer’s Monthly Report and Transfers.**

Cynthia Salinas, County Treasurer, presented the Treasurer's Monthly Report and Transfers for the month ending August 31, 2023.

Commissioner Joe Recio moved and Commissioner Sarita Armstrong-Hixon seconded the motion; the motion was unanimously passed the Treasurer's Monthly Report and Transfers ending August 31, 2023, be accepted as presented.

1. **Discuss & Act on the Sheriff’s Monthly Report.**

Deputy Edward Cruz presented the Sheriff’s monthly report and Chapter 59 to the Commissioners Court for the month ending August 31, 2023.

He also reported the following:

That there was a significant increase in criminal activity along the National Seashore, Intercoastal Waterways; that a rape occurred in the brush and were able to apprehend the three suspects; and that the Texas Rangers assisted and were able to obtain the needed information.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Sheriff’s monthly report and Chapter 59 report be accepted as presented.

1. **Discuss & Act on Fire Chief’s Monthly Report.**

Jose E. Mendietta, Fire Chief, presented the Commissioners Court with the Fire District report. He reported that TDHS will be in Sarita on September 25 from 11:00 a.m. to 1:00 p.m. to administer COVID-19 vaccines

He also reported that the Fire Department will be holding a fire drill east of the checkpoint; that the fire trucks have been repaired; the Fire Station water sprinkler system has also been repaired and is in working order; and that all the lights on the fire station stopped working at the same time and that an electrician is assessing the cause.

Judge Burns inquired about the siren. The Fire Chief responded that it is being addressed.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Fire Chief’s report be accepted as presented.

1. **Discuss & Act on the Maintenance Department Monthly Report.**

Seferino Gutierrez, Maintenance Supervisor, presented the Maintenance Department’s monthly report to the Commissioners Court for the month ending August 31, 2023. He reported that bids were being taken to install a cement slab instead of asphalt at the substation; that David Lopez was going to install a slab for $9,000.00; that there needs to be a handicapped parking slot for curb side voting and that the restrooms are only lacking the handicapped rail and that TJ Electric had loaned the county his lift so that the palm trees can be trimmed.

This being a report only, no vote was needed and none was taken.

1. **Receive Daniel Almeida and Act on the Sewer & Water System Monthly Report.**

Daniel Almeida presented the Commissioners Court with the Sewer & Water System monthly report including that there was two TECQ issues that had been resolved and that there is a need for new utility maps and are being worked on.

Commissioner Joe Recio moved and Commissioner Sarita Armstrong-Hixon seconded the motion; the motion was unanimously passed that Daniel Almeida’s report be accepted as presented.

1. **Discuss & Act on a Proposed New Contract with Daniel Almeida for Sewer and Water System Services or Go Out for Bids.**

Judge Charles E. Burns informed the Commissioners Court of the need to review Daniel Almeida’s contract regarding the Sewer and Water System Services.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the County Attorney, Maintenance Supervisor and the Judge develop the contract terms of the new proposed Sewer & Water Services contract and, thereafter, present it to the Commissioners Court for consideration.

1. **Receive Javier Zambrano with GrantWorks Monthly Reports Regarding Compliance with Colonia Grant #7219075 and Community Development Grant #7219220 and Act if Necessary.**

Javier Zambrano presented the GrantWorks monthly report to the Commissioners Court regarding the Kenedy County 7219220 and 7219075 as follows:

Kenedy County 7219075 Colonia (CFC)

Contract Start Date: 7/1/20

Original Contract End Date: 1/31/22

Extended Contract End Date: 9/30/23

Closeout Documents Due Date: 11/29/23

Phase I (Prime: Donald Hubert Construction)

Construction Completed

Phase II – Donald Hubert Construction

Contract Amount: $21,958.00

Construction Completed

State Contract Status in TDA-Go: Delinquent OSCAR FY2022, Single Audit reporting not submitted.

County to provide a status update of the Single Audit Report.

Robert Davila will speak to the implications of the Single Audit delinquency.

Any alerts or questions TDA sends to the County about contracts 7219220 and 7219075 should still be sent to Robert Davila.

Commissioner Joe Recio moved and Commissioner Sarita Armstrong-Hixon seconded the motion; the motion was unanimously passed that the GrantWorks report be accepted as presented.

1. **Discuss Colonia Grant #7219075, Funding Payment to Hubert Construction Pending Reimbursement from TDA and Act if Necessary.**

Robert Davila with GrantWorks informed the Commissioners Court of the need to fund payment to Hubert Construction in the amount of $63,000.00 pending reimbursement from TDA.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Donald Hubert Construction be paid in an amount not to exceed $64,000.00 from the General Fund and that monies received from TDA on Colonia #7219075 be used to reimburse Kenedy County for its advanced payment to Hubert Construction.

1. **Receive Report on the Construction Progress of the Justice of the Peace Building/Hurricane Shelter & Court House Repairs.**

Caleb Maltby informed the Commissioners Court of the following:

The project walk will be held in mid-September

The ADA specialist stated that the building is in compliance with ADA requirements

That the concrete contractor will commence the concreate yard wall at the end of this week and will send Judge Burns some yard wall selection choices.

The roof material for the porch at the JP building has been ordered and that the handrails for the ramp are being fabricated and will be received in 2-3 weeks

Regarding the main Courthouse roof drain liners, he stated that a contractor has been contacted and is waiting for a call back; patch work on the roof has to be addressed to prevent further damage; that liners are now available to install in the cast iron drains, but that the drains are very small and may have to go into the walls to replace them.

This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on Maltby Builder’s Change Order 23-173, for the Amount of $26,417.28, to Add Network Cameras, Monitors, Door Cameras, and Install RFID Door Controllers for the Justice of the Peace Building/Hurricane Shelter to Be Paid with County Funds.**

Judge Charles E. Burns informed the Commissioners Court of the need to approve Maltby Builders, Inc. Change Order 23-173 in the amount of $26,417.28 to add network cameras, monitors, door cameras and install RFID door controllers for the Justice of the Peace Building/Hurricane Shelter to be paid with County Funds.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Maltby Builders, Inc. Change Order 23-173 in the amount of $26,417.28 be approved to add network cameras, monitors, door cameras and install RFID door controllers for the Justice of the Peace Building/Hurricane Shelter to be paid through the JP line items for Courthouse Security and Capital Projects.

1. **Discuss & Act on Interlocal Agreement Between Kenedy County Sheriff and Kleberg County Sheriff.**

Captain Eddie Cruz informed the Commissioners Court of the need to enter into an Interlocal Agreement between Kenedy County Sheriff and the Kleberg County Sheriff regarding Kenedy County officers assisting Kleberg County with emergencies in the Riviera area.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled in order for Leo Villarreal, Allison Strauss and the Sheriff’s Department to revise the Resolution and Agreement.

1. **Discuss & Act on the 2024 Sheriff’s and Constable’s Fees.**

Judge Charles E. Burns presented the Commissioners Court with the 2024 Sheriff’s and Constable’s Fees which are the same amounts as the 2023 Sheriff’s and Constable’s fees.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the 2024 Sheriff’s and Constable’s Fees remain the same amount as the Sheriff & Constable’s 2023 fees.

1. **Report on TAC Risk Management Webinar Regarding Documentation Scheduled for Wednesday, September 13th, 2023, from 10 a.m. to 11 a.m.**

Judge Charles E. Burns informed the Commissioners Court that a TAC Risk Management Webinar regarding documentation is scheduled on Wednesday, September 13, 2023 from 10:00 a.m. to 11:00 a.m. and encouraged all department heads to attend the webinar.

This being a report only, no vote was needed and none was taken.

1. **Discuss & Act on Installing Electrical Outlets Along South Side of Courthouse Along La Parra Drive Not to Exceed $5,000.00.**

Judge Charles E. Burns informed the Commissioners Court of the need to consider the installation of electrical outlets along the south side of the Courthouse along La Parra Drive in an amount not to exceed $25,000.00 and that Nueces Electric will charge $10,000.00 to install a pole and meter.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the installation of a pole and meter by Nueces Electric Coop, not to exceed $10,000.00, be approved; however, that invitations for bids be advertised and that the lowest bid be accepted.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that electrical outlets be installed along the south side of the Courthouse along La Parra Street not to exceed $20,000 and that invitations for bid be advertised and that the lowest bid be accepted.

1. **Discuss & Act on Professional Services Contract with Forensic Pathologist, Dr. Ray Fernandez, M.D., LLC.**

Judge Cecelia Schulz informed the Commissioners Court of the need to enter into a professional service contract with Dr. Ray Fernandez, Forensic Pathologist, regarding deaths in the County.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the County enter into a Professional Services Contract with Dr. Ray Fernandez, Forensic Pathologist concerning deaths in the county.

1. **Discuss & Act on Interlocal Agreement Between the Kenedy County Common Wide School District and the County of Kenedy Regarding the School Resource Officer Program**.

Captain Eddie Cruz informed the Commissioners Court of the need to table this item.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that this item be tabled.

1. **Discuss & Act on Senate Bill 1893 Prohibiting the Use of Social Media Applications on Governmental Electronic Devices.**

Judge Charles E. Burns informed the Commissioners Court that pursuant to Senate Bill 1893, the county needed to prohibit the use of social media applications on government electronic devices.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the County’s IT, Chris Russell, take the necessary steps to comply with Senate Bill 1893.

1. **Discuss & Act on Retaining Kevin O’Hanlon to Address the Recent Requests for Solar Farm Tax Abatements and Report to the Commissioners Court.**

Judge Charles E. Burns informed the Commissioners Court of the need to retain and authorize Kevin O’Hanlon to address Solar Farms’ request for a tax abatement.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that Kevin O’Hanlon be retained and authorized to address the recent requests from Solar Farms for tax abatements.

1. **Discuss & Act on AT&T Mobility Services with FirstNet.**

Liana Cano addressed the Commissioners Court regarding AT&T Mobility Services with FirstNet. She stated that FirstNet is designed for First Responders; that a mobility company runs it but it is not an ATT network; and she suggested that each Commissioner, the County Attorney, each Justice of the Peace and Stephanie Garza should each have a phone and the hotspot so their private phones would not be compromised.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that ATT Mobility Services with FirstNet contract be approved for ten cell phones, the hotspot and booster.

1. **Discuss & Act on Renewing the 2024 County Choice Silver Retiree Medical Program.**

Judge Charles E. Burns informed the Commissioners Court of the need to renew the 2024 County Choice Silver Retiree Medical Program.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the 2024 County Choice Silver Retiree Medical Program be renewed.

1. **Discuss & Act on Payment of Bills.**

Judge Charles E. Burns informed the Commissioners’ Court of the need to pay the bills for the month ending August 31, 2023.

Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the bills be paid as presented.

1. **EXECUTIVE SESSION: TEXAS GOVERNMENT CODE, § 551.071, § 551.072, § 551.073, § 551.074**

An Executive Session was not held.

1. **Open Session: Discuss & Act on Items Addressed in Executive Session.**

No Executive Session having been held; an Open Session was not needed.

1. **Adjournment.**

There being no further business at this time to come before the Commissioners Court, Commissioner Sarita Armstrong-Hixon moved and Commissioner Joe Recio seconded the motion; the motion was unanimously passed that the Commissioners Court be adjourned at 12:15 p.m.

/s/ Charles E. Burns\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Charles E. Burns, County Judge

ATTESTED BY:

/s/ Veronica Vela\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Veronica Vela, Clerk of Commissioners Court